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EXAMINER

CIRIC, LJILJANA V

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 12/26/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/614,586

Applicant(s)
Elliot et al.

Examiner
Ljiljana V. Ciric *LVC*

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 31, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) 3-6 and 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7-11, and 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jul 12, 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of the first species, drawn to Figures 1a through 1d and to claims 1, 2, 7 through 11, and 17 through 29, in Paper No. ^{6 LVC} 7 is acknowledged.

Contrary to applicant's assertion that claims 14 through 16 are drawn to the first species whereas claim 19 is not, the examiner notes that claim 19 is drawn to the first species whereas claims 14 through 16 are not, since these latter claims recite an auxiliary module which is not associated with the first species or the embodiment of Figures 1a through 1d, but rather which reads on the additional exchanger 8 characterizing the third species or the embodiment of Figures 6a and 6b.

Also, applicant's assertion that claims 14 through 18 and 20 through 29 are generic is respectfully traversed by the examiner. Applicant's assertion regarding this matter is not persuasive since, while a generic claim must read on each of the species, the fact that a claim does so read is not conclusive that it is generic. For example, a generic claim cannot include limitations NOT present in each of the added species claims. See MPEP § 806.04(d).

2. Claims 3 through 6 and 12 through 16 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to non-elected species/inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. ^{6 LVC} 7.

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Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features, for example, must be shown or the feature(s) canceled from the claim(s): the preassembled module including a structural element of the vehicle and/or a steering column and/or an inflatable bag and/or a pedal assembly as recited in claim 26; a preassembled module as recited in claim 24; a preassembled module including a motor and drive members for the windscreen wipers of the vehicle and/or a water separator for an air intake into the passenger compartment and/or at least one air-cleaning filter housing and/or at least one display element as recited in claim 27; and, the driver's position of the motor vehicle including the installation as recited in claim 29. No new matter should be entered.

5. Applicant is required to submit a proposed drawing correction in reply to this Office action.

Specification

6. The abstract of the disclosure is objected to because it is not clearly written. In particular, the recitation of a "main air/water/refrigerant-fluid exchanger" is not clear, in particular since the

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same term does not appear as such in the specification or in the claims. Correction is required.

See MPEP § 608.01(b).

7. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "the invention particularly makes it possible to bring together, *in geographical terms*, the gas cooler, especially a condenser, and the evaporator, which is beneficial in terms of the cost of pipework" [page 2, lines 31-34]; "*the said* main exchanger" [page 3, line 4]; "*the said* element *for exchanging with the air*" [page 3, line 19]; and, "*the said* element *for exchanging between the heat-carrying fluid and the refrigerant fluid may successively exhibit*" [page 4, lines 3-5].

Please note that the above are only a very few examples of idiomatic informalities and/or unclear terms. Also please note that the specification should not contain language normally reserved for claims, and thus anteceding various elements with the term "said" should be avoided.

8. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

9. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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Claim Rejections - 35 U.S.C. § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1, 2, 7 through 11, and 17 through 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and contain grammatical and idiomatic errors.

It is not clear which particular structural configuration is associated with the limitations “a main air/heat-carrying fluid/refrigerant-fluid exchanger” as cited in lines 8-9 of claim 1, thereby rendering indefinite claim 1 and all claims depending therefrom with regard to the intended scope of protection sought.

Also regarding claim 1, for example, the term “especially” in line 4 renders the claim (and all claims depending therefrom) indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

There is insufficient antecedent basis for the following limitations in the claims, for example: “the one hand” [claim 1, line 2]; “the other hand” [claim 5]; “the said main exchanger” [claim 2, lines 1-2, and other occurrences]--note that there would be sufficient antecedent basis for either “the main module” or “said main module” or “the main air/heat-carrying fluid/refrigerant-

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fluid exchanger” or “said main air/heat-carrying fluid/refrigerant-fluid exchanger”; “the main exchanger” [claim 2, lines 4-5, and other occurrences]; “the air” [claim 2, line 4, and other occurrences]; “the heat-carrying fluid” [claim 2, line 4, and other occurrences]; “the refrigerant fluid” [claim 2, line 7, and other occurrences]; “the main loop” [claim 2, line 8]; and, “the refrigerant liquid” [claim 7, line 4, and other occurrences].

It is not clear whether or not the limitations “the refrigerant fluid” [claim 2, line 7, and other occurrences] and “the refrigerant liquid” [claim 7, line 4, and other occurrences] both refer to the same fluid.

The limitations following “wherein” in claim 9 are not readily comprehensible as written, thereby rendering indefinite claim 9 and claim 10 depending therefrom.

The limitations following “wherein” in each of claims 17 and 18 are not readily comprehensible as written, thereby rendering these claims, along with claim 19 depending from claim 18, indefinite.

With regard to each of claims 21 through 24, it is not clear to which element the term “it” refers nor what exactly is meant by the phrase “it exhibits”.

The plural alternatives in each of claims 24 through 27 render these claims indefinite with regard to the scope of protection sought.

Claim 28 is generally incomprehensible as written.

Claim 29 is generally incomprehensible as written. First of all, does the term “it” refer to the vehicle or to the driver’s position. Second of all, is the installation recited in line 2 of the claim

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the same as the heating/air-conditioning installation recited in the preamble of claim 1? Third of all, does claim 29 depend from claim 1 or does claim 1 depend from claim 29?

In general, it is not necessary to refer to a previously cited element using the preface "the said"; one or the other of "the" and "said" is sufficient.

The above is an indicative, but not necessarily an exhaustive, list of 35 U.S.C. 112, second paragraph, problems. Applicant is therefore advised to carefully review all of the claims for additional problems. Correction is required of all of the 35 U.S.C. 112, second paragraph problems, whether or not these were particularly pointed out above.

Claim Rejections - 35 U.S.C. § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. As best can be understood in view of the indefiniteness of the claims, claims 1, 2, 7, 8, 11, 20, 24, 25, 28, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by *Halstead et al.* (of record).

Halstead et al. discloses a vehicular heating/air conditioning installation essentially as claimed, including a refrigerating compressor 32, a valve assembly or valve 33, an evaporator 46, and a single exchanger 10 including both a radiator section 25 and a condenser section 30.

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Tanks 20 and 26 read on the collectors as cited in claim 8. Unit 54 reads broadly on the bottle as cited in claim 11. The reference thus reads on the claims.

14. The non-application of art against claims 9, 10, 17 through 19, 21 through 23, 26, and 27 should not be construed as an indication that the claims contain allowable subject matter but rather that the claims could not be examined on the merits due to indefiniteness.

Conclusion

15. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Lukas et al.*, *Burk et al.*, and *Iritani et al.* each discloses a vehicular air conditioning system including a refrigerant circuit.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (703) 308-3925. While she works a flexible schedule, Examiner Ciric may generally be reached at the Office during the work week between the hours of 10 a.m. and 6 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett, can be reached on (703) 308-0101. The fax phone number is (703) 305-3463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.


LJILJANA CIRIC
PATENT EXAMINER

lvc

December 17, 2001